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Before the
Federal Communications Commission **RECEIVED**
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APR 6 2001

In the Matter of

Amendment of Section 73.202(b)
 (Table of Allotments)
 FM Broadcast Stations

Lincoln and Sherman, Illinois

MM Docket No. _____

RM-_____

RM-_____

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Chief, Mass Media Bureau
 Policy and Rules Division
 Allocations Branch

PETITION FOR RULE MAKING

Saga Communications of Illinois, Inc. ("Saga"), by its attorneys, and pursuant to Section 1.420(i) of the Commission's Rules, hereby respectfully files this Petition for Rule Making to modify the Table of Allotments (47 C. F. R. §73.202 (b)) to change the allotment of FM Channel 230B1 from Lincoln, Illinois, to Sherman, Illinois, with a concurrent modification of the license of WMHX(FM), Lincoln, to operate on Channel 230B1 at Sherman. In support whereof, the following is shown:

Background

1. WMHX, Channel 230B1, Lincoln, Illinois, is licensed to Saga. Saga requests the Commission to delete Channel 230B1 from Lincoln and to reallocate it to Sherman, Illinois, with a concurrent modification of the license of WMHX to operate on Channel 230B1 at Sherman. This change is permissible under Section 1.420(i) of the Rules, which authorizes the Commission to modify the license or permit of an FM station to specify a new community of license where the amended allotment would be mutually exclusive with the licensee's present allotment.

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2. Two factors must be demonstrated in order to change a station's city of license in a rule making proceeding: (1) the channel changes must be mutually exclusive, and (2) the rule making must not deprive a community of an existing service representing its only local transmission service. The Commission stated that in making the determination of whether to amend the Table of Assignments it would "take into account the totality of the service improvements resulting from a proposed change in community of license in determining whether an allotment proposal should be approved." *See Modification of FM and TV Authorizations (New Community of License)*, 4 FCC Rcd 4870 [66 RR 2d 877] (1989). Saga's proposal is consistent with the rules and Commission policies, i.e., the channel changes are mutually exclusive, and as shown *infra*, the rule making will not deprive Lincoln of its only local transmission service.

Expression of Continuing Interest

3. If the Commission allots Channel 230B1 to Sherman, Saga will promptly file an application for a minor change construction permit to operate WMHX at Sherman, and upon grant, will promptly construct and operate the facilities.

4. Attachment A is an Engineering Exhibit, which is incorporated herein by reference, that provides the Commission with technical information about the proposed Lincoln/Sherman channel exchange.

Lincoln, Illinois

5. According to the U.S. Census, Lincoln had a 1990 population of 15,418 persons. Lincoln has two commercial broadcast stations, WMHX(FM) and WLLM(AM)¹, also licensed to Saga, and noncommercial educational FM station WLNK, licensed to Lincoln University. Noncommercial educational stations are considered in the Commission's transmission service

¹ 1370 kHz, 1 kW days, 35 watts nights.

analysis. See *Valley Broadcasters, Inc.*, 5 FCC Rcd 2785 (1990). Thus, Lincoln will not be deprived of its only transmission service if the Commission reallocates Channel 230B1 to Sherman.

Sherman, Illinois

6. Sherman is listed in the U.S. Census as a village which had a 1990 population of 2,080. According to Sherman's Village Clerk², Sherman had a 2000 population of 2,871, representing a 38% increase in population. Sherman is located in Sangamon County which had a 1990 population of 178,386. Sherman has an elected mayor and an elected board of trustees. Sherman has its own U. S. Post Office and ZIP Code, i.e., 62684. Sherman has commercial businesses. According to the Village Clerk, Sherman has its own elementary school (K through 4th grades). Sherman has health care professionals and a health care facility. Sherman has its own local phone directory. Sherman provides police protection to the residents of the village. Located in Sherman is a fire station administered by its own taxing authority. Sherman has churches, including Lutheran, Baptist, Methodist and Churches of God.³ Therefore, Sherman possesses the requisite "social, economic and cultural components that are commonly associated with community status." See, *FM Table of Allotments (East Hemet, CA)*, 67 RR 2d 146, 147 (1989). WMHX would bring first local service to Sherman, since Sherman currently does not have a local station. From the reference coordinates at **North Longitude 40° 00' 09"**, **West Longitude 89° 39' 35"** WMHX would provide a city grade contour to approximately 42% of the Springfield, Illinois, Urbanized Area. WMHX currently covers 33% of the Springfield Urbanized Area with a city grade signal. Since less than 50% of the Urbanized Area is covered, there is no requirement to provide a showing pursuant to *Headland, Alabama, and Chattahoochee, Illinois*, 10 FCC Rcd

² Information from telephone conversation between counsel and Karen Franklin, Village Clerk at 217-496-2621.

³ Source: Internet, Yahoo! Yellow Pages (Data by Lookup USA).

10342 (1995) that stations licensed to Urbanized Areas should not be attributed to Sherman. *See, Rose Hill, Trenton, Aurora and Ocracoke, North Carolina*, DA 96-2062, released December 13, 1996. Sherman warrants a first local service preference. Nonetheless, Saga believes Sherman would warrant a first local service preference even if it were required to make the showing set out in *Faye and Richard Tuck*, 3 FCC Rcd 5374 (1998). Sherman does not appear to be dependent on Springfield, and the stations licensed to the Springfield Urbanized Area should not be attributed to Sherman.

Section 307(b) Analysis

7. In determining which proposal will better serve the public interest, the Commission is guided by the allotment priorities set forth in *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982). Under priority three, first local service, Sherman warrants a preference over retaining WMHX in Lincoln.

Other Public Interest Considerations

8. In changing its community of license, WMHX proposes to relocate its transmitter site. The Engineering Exhibit demonstrates that the 1.0 mV/m contour of WMHX at Lincoln covers 4,836 square kilometers, encompassing a population of 215,077 persons. WMHX operating at Sherman would cover 4,783 square kilometers and 210,829 persons. The slight decrease in overall population should be considered *de minimis*. The Engineering Exhibit indicates that there is no gain or loss area resulting from the proposed WMHX change receiving fewer than five aural services. Therefore, the area is well-served. *See, FM Table of Allotments (Douglas, GA, et al.)*, 10 FCC Rcd 7706, 7707 (1995) (where loss area received service from at least five full-time reception services, Commission found area to be "well-served"). *See also Wray and Otis, Colorado*, 13 FCC Rcd 2612 (1998). As noted above, since Lincoln will continue to enjoy

service from WLLM and WLNX, Saga's proposal will not deprive Lincoln of its only local transmission service. The Commission has made similar allotment changes where only a daytime AM station remained in a community. See *Johnstown and Altamont, New York*, 13 FCC Rcd 12463 (1998) [WIZR, Johnstown, operating with 1 kW day and 28 watts at night].

9. As shown in the attached Engineering Exhibit, Sherman would be entirely covered by a 70 dBu or better signal from WMHX(FM). Thus, modification of the license for WMHX would be consistent with the Commission's city-grade contour coverage requirements.

10. The Commission's priorities for assigning FM allotments are set out in *Revision of FM Assignment Policies and Procedures, supra*. They are: (1) first aural service, (2) second aural service, (3) first local service, and (4) other public interest matters. Co-equal weight is given to priorities (2) and (3). Here, as noted *supra* first local service to Sherman is greatly preferred to retaining three local services to Lincoln. Thus, there would a preferential arrangement of allotments resulting from the allotment of Channel 230B1 to Sherman.

WHEREFORE, Saga respectfully requests the Commission to amend Section 73.202(b) of the Commission's Rules, as follows:

	<u>Illinois</u>	
	<u>Present</u>	<u>Proposed</u>
Lincoln	230B1, (*205A)	(*205A) ⁴
Sherman	----	230B1

⁴WLNX(FM) and WLLM(AM) are to remain licensed to Lincoln.

Conclusion

Saga requests the Commission to allot Channel 230B1 to Sherman, Illinois, and modify the license of WMHX to operate on FM Channel 230B1 at Sherman. If the Commission so modifies the license of WMHX, Saga will timely file an application for minor change construction permit to operate WMHX at Sherman, and upon grant thereof, Saga will construct the new facilities and operate them.

Respectfully submitted,

**SAGA COMMUNICATIONS OF
ILLINOIS, INC.**

By:

A handwritten signature in black ink, appearing to read "Gary S. Smithwick", is written over a horizontal line.

Gary S. Smithwick
Its Attorney

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April 6, 2001

ATTACHMENT A

ENGINEERING EXHIBIT
IN SUPPORT OF RULE MAKING
SAGA COMMUNICATIONS OF ILLINOIS, INC.
FM STATION WMHX
LINCOLN, ILLINOIS

Engineering Statement

This Engineering Exhibit, prepared on behalf of Saga Communications of Illinois, Inc. supports a request for rule making to modify the Table of Allotments in 47 CFR 73.202. It is proposed to change the allotment of FM channel 230B1 from Lincoln, Illinois to Sherman, Illinois. Saga is licensee of FM station WMHX, which currently operates on channel 230B1 at Lincoln.

The proposed change in the Table of Allotments follows:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Lincoln, IL	230B1	- - -
Sherman, IL	- - -	230B1

Sherman Village, Illinois with population of 2,080 persons is located in Sangamon County, which has population of 178,386 persons. All population information is based on the 1990 census.

Channel 230B1 can be allotted to Sherman in complete accord with the FCC rules, including the separation requirements of 47 CFR 73.207. The proposed change will result in a preferential arrangement of allotments because it will provide a first local aural transmission service to the community of Sherman, without depriving Lincoln of local service. Lincoln will continue to enjoy the local service of FM station WLNK on channel 205 and AM station WLLM on 1370 kHz.

As shown in Figure 1, the proposed use of channel 230B1 at the selected reference coordinates meets the separation requirements of 47 CFR 73.207. From that location, 40-00-09 North Latitude, 89-39-35 West Longitude, the furthest city limits of Sherman are at a distance of 16 kilometers. A Class B1 station with maximum facility will produce a 70 dBu contour at a distance of 23.2 kilometers; consequently, Sherman will receive the premium signal required by 47 CFR 73.315.

The existing operation of WMHX provides service to 215,077 persons in an area of 4,836 square kilometers. The proposed WMHX operation will provide service to 210,829 persons in an area of 4,783 square kilometers. There is no gain or loss area resulting from the proposed WMHX change receiving fewer than five aural services.

Currently, WMHX provides 70 dBu coverage to 33 percent of the area within the Springfield, IL urbanized area. From the proposed reference coordinates, WMHX, with maximum class

B1 facilities will increase the Springfield coverage to 42 percent.

In summary, Saga proposes changing the allotment of channel 230B1 to Sherman, Illinois so as to provide that community with its first local transmission facility.



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April 4, 2001

Figure 1

ENGINEERING EXHIBIT
IN SUPPORT OF RULE MAKING
SAGA COMMUNICATIONS OF ILLINOIS, INC.
FM STATION WMHX
LINCOLN, ILLINOIS

FM Separation Study - Channel 230B1
Sherman, IL 40-00-09 89-39-35

Call Id	City St	File Status	File Num	Channel Freq	ERP HAAT	DA Id	Latitude Longitude	73 215	Bear	Dist. (km)	Req. (km)
WPBG 42114	PEORIA IL	LIC C	BLH 19810206AI	227 B 93.3	41.000 168	N	40-38-07 089-32-19	N	8.3	71.01 0.01	71.0 Close
WJEZ 37818	PONTIAC IL	LIC C	BLH 19950117KB	229 B1 93.7	12.000 144	N	40-45-27 088-37-40	N	45.8	121.28 7.28	114.0 Close
KSD 20360	ST. LOUIS MO	LIC C	BLH 19800129AA	229 C1 93.7	100.000 262	N	38-34-05 090-19-55	N	200.2	169.48 8.48	161.0 Close
WMHX 9964	LINCOLN IL	LIC C	BLH 19941020KB	230 B1 93.9	15.000 131	N	39-59-25 089-30-46	N	96.1	12.62 -162.38	175.0 Short
WJRE 70277	KEWANEE IL	LIC C	BLH 19961004KD	230 A 93.9	3.100 138	N	41-16-40 089-55-15	N	351.3	143.33 0.33	143.0 Close
960116 79019	CARTHAGE IL	CP C	BPH 19960116MH	230 A 93.9	6.000 100	N	40-25-51 091-14-57	N	290.0	143.42 0.42	143.0 Close
KPCR-F 52572	BOWLING GRE MO	LIC C	BLH 19911018KG	231 C3 94.1	25.000 82	N	39-21-57 091-10-45	N	241.9	148.28 34.28	114.0 Clear
WGFA-F 29203	WATSEKA IL	LIC C	BLH 19970711KC	231 B 94.1	50.000 111	N	40-47-37 087-45-17	N	60.8	184.05 39.05	145.0 Clear
WMIX-F 73103	MOUNT VERNO IL	LIC C	BLH 2581	231 B 94.1	50.000 168	N	38-22-14 088-55-20	N	160.5	192.05 47.05	145.0 Clear
0	TAYLORVILLE IL	RM C	9928	232 A 94.3	0.000		39-29-22 089-19-45		153.5	63.62 15.62	48.0 Close
WRMS-F 13650	BEARDSTOWN IL	LIC C	BMLH 19900904KE	232 A 94.3	6.000 91	N	40-04-45 090-25-58	N	277.6	66.52 18.52	48.0 Clear
WMKR 42646	TAYLORVILLE IL	CP C	BPH 20000824AB	232 A 94.3	5.600 104	N	39-27-08 089-17-10	N	152.3	68.98 20.98	48.0 Clear
WMKR 42646	TAYLORVILLE IL	LIC C	BLH 19960722KA	232 A 94.3	6.000 74	N	39-27-11 089-17-02	N	152.1	68.99 20.99	48.0 Clear
0	PANA IL	RM C	9928	232 A 94.3	0.000		39-22-56 089-12-56		151.0	78.70 30.70	48.0 Clear
WCNL 33882	CHILLICOTHE IL	LIC C	BLH 19830118AA	232 A 94.3	6.000 91	N	40-49-48 089-29-54	N	8.4	92.90 44.90	48.0 Clear
WLRW 58542	CHAMPAIGN IL	LIC C	BLH 20000830AF	233 B 94.5	50.000 119	N	40-07-35 088-17-25	N	82.8	117.64 46.64	71.0 Clear
WFMB-F 48331	SPRINGFIELD IL	LIC C	BLH 19830815AC	283 B 104.5	43.000 131	N	39-45-36 089-39-05	N	178.5	26.93 9.93	17.0 Close